

SPECIAL TOWN MEETING

November 5, 9 and 12, 1992

The meeting was televised by Amherst Community Television.

The Special Town Meeting was called to order by the Moderator, Francesca Maltese at 7:39 P.M. There were 245 town meeting members; 123 checked in and a quorum was declared. The call and return of the meeting were read by Town Clerk, Cornelia D. Como. Nonny Burack, Hilda Greenbaum, Kristin O'Connell, Kenneth Mosakowski, Seymour Friedman, Irving Howard, Felicity Callahan and Margot Parrot were sworn as tellers by the Moderator.

Article 1. Voted that the Town hear only those reports of the Town officers, Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 11/5/92.

Article 2. Voted that the Town adopt the following bylaw: Every cat in the Town of Amherst ninety days-of-age or older shall be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions, and shall be revaccinated at intervals recommended by the manufacturer.

The cat owner/care-taker shall be responsible for properly immunizing them against rabies and shall maintain records of the same. Failure to immunize a cat and/or maintain records of the same shall be subject to a maximum fine of fifty (\$50.00) dollars.

This bylaw may be enforced pursuant to the non-criminal disposition provisions contained in M.G.L. Chapter 40, section 21D. The penalty for violation shall be \$50. Enforcing persons shall be the Health Director, Sanitarian, Town Animal Inspector, Police Officers, and Town Animal Officer.

Action taken on 11/5/92.

Article 3. Voted YES 154, NO 1 that the Town authorize the Select Board to exchange deeds with David and Laurie Chadbourne relating to certain interests in land owned respectively by the Town and Chadbourne lying on the southerly side of Bay Road. More specifically to authorize the Select Board to relinquish and convey to Chadbourne a portion of a certain sixty (60') foot wide vehicular and pedestrian easement from Bay Road to land of the Town, acquired by the Town in a deed from Andrew D. George in September of 1991, shown as "Proposed Access Easement" on a "Plan of Land Situate in Amherst, Massachusetts, made for THE INHABITANTS OF THE TOWN OF AMHERST, MASSACHUSETTS," dated August 13, 1991, James A. Smith Town Engineer, Town Hall, Amherst, and recorded in the Hampshire County Registry of Deeds at Plan Book 171, Page 89; but (1) to retain an easement to pass and repass with or without vehicles over that portion of the driveway constructed (or to be constructed) by Chadbourne lying within 100 feet of Bay Road; and (2) to retain a pedestrian easement to pass and repass on foot over a strip fifteen (15') feet in width, and approximately one hundred ninety (190+/-') feet in length, running along the easterly side of the "Proposed Access Easement." By this exchange the Town would relinquish its easement interests in that portion of the "Proposed Access Easement" lying beyond one hundred (100') feet from Bay Road, and lying westerly of the fifteen (15') feet wide pedestrian easement retained in (2) above. Consideration for the foregoing exchange is to be the construction of a "Parking area" able to accommodate at least six (6) vehicles on the thirty (30') foot wide easterly half of the easement retained in (1), together with the right and easement for its continued maintenance.

Action taken on 11/5/92.

Article 4. Voted to refer this article to the Select Board and Personnel Board. (Indemnification of Retired Police Officers and Fire Fighters. [M.G.L. Chapter 41, Section 100B])

Action taken on 11/5/92.

Article 5. Voted that the Town accept the provisions of Massachusetts General Laws Chapter 59, Section 57B.

Action taken on 11/5/92.

Article 6. Voted unanimously that the Town appropriate and transfer \$3,598.29 from Free Cash in the Unreserved Fund Balance of the General Fund and \$19,534 from the Unreserved Fund Balance of the Water Fund to pay unpaid bills of the previous fiscal years.

Action taken on 11/5/92.

Article 7. FY 93 Operating Budget Amendments

- MOTION #1 - Voted that the Town amend the FY 93 Operating Budget by:
- a) decreasing the General Government appropriation by \$45,534
  - b) decreasing the Elementary Schools appropriation by \$47,702
  - c) decreasing the Regional Schools appropriation by \$29,208
  - d) decreasing the Library Services appropriation by \$5,102

- MOTION #2 - Voted unanimously that the Town amend the FY93 Operating Budget by :
- a) increasing the General Government appropriation by \$49,573
  - b) increasing the Human Services appropriation by \$35,000

and to meet such appropriation \$84,573 be transferred from the Unreserved Fund Balance of the Solid Waste Fund.

MOTION #3 - Voted that the Town amend the Sewer Fund Operating Budget by increasing the appropriation by \$131,085 and that to meet such appropriation \$131,085 be transferred from the Unreserved Fund Balance of the Sewer Fund. Action taken on 11/5/92

Article 8. Voted that the Town appropriate \$96,000 to purchase or repair the following items of equipment and to meet such appropriation \$96,000 be transferred from the Stabilization Fund: (This article was divided and voted as follows.)

Voted Unanimously \$40,000	Refurbish of Fire Pumper
Voted unanimously \$28,000	Replacement of Dump Truck
Voted Unanimously \$18,000	Computers
Dismiss until spring \$10,000	Branch Library Computers

and further authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants. Action taken on 11/5/92.

Article 9. Voted YES 137, NO 33 that the Town amend the action taken under Article 8 (October 30, 1989 Special Town Meeting) by reducing from \$550,000 to \$400,000 the minimum amount for which the sale of a portion of the Cherry Hill site is authorized. Action taken on 11/9/92.

10:14 P.M. The meeting voted to adjourn to Monday, November 9, 1992 at 7:30 P.M. in the Auditorium of the Amherst Regional Junior High School. 174 town meeting members were checked in.

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The adjourned session of Monday, November 9, 1992 was called to order by the Moderator at 7:40 P.M. 123 town meeting members were checked in.

Article 10. Voted that the Town authorize the use of \$25,000 of Chapter 90 money for the design of new traffic lights and intersection improvements at the intersection of College Street and South East Street. Action taken on 11/9/92.

Article 11. Voted unanimously that the Town appropriate \$80,000 from the Unreserved Fund Balance of the Water Fund for the purchase of aquifer recharge area development rights located in Belcertown. Action taken on 11/9/92.

Article 12. Voted unanimously that the Town appropriate \$10,000 from the Unreserved Fund Balance of the Water Fund for an engineering study at the Centennial Treatment Plant to comply with the Safe Water Drinking Act and current Environmental Protection Agency and Department of Environmental Protection regulations. Action taken on 11/9/92.

Article 13. Voted unanimously that the Town appropriate \$35,000 from the Unreserved Fund Balance of the Water Fund to be added to the amount appropriated under Article 44 (1988 Annual Town Meeting) (\$100,000) for Well #6 engineering and design. Action taken on 11/9/92.

Article 14. Voted unanimously that the Town appropriate \$100,000 from the Unreserved Fund Balance of the Solid Waste Fund for the purchase of equipment for the Intermediate Processing Facility at the University of Massachusetts; said equipment to be eight (8) roll-off containers, one (1) tractor/backhoe/loader and further authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44, section 6A in anticipation of reimbursement for said grants.  
Action taken on 11/9/92.

Article 15. Voted YES 69, No 65 to DISMISS. (Town Hall roof repair and/or replacement, repointing of brick, and for related expenses.)  
Action taken on 11/9/92.

9:55 P.M. The meeting voted to adjourn to Thursday, November 12, 1992 at 7:30 P.M. in the auditorium of the Amherst Regional Junior High School. 176 town meeting members were checked in.

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The adjourned session of Thursday, November 12, 1992 was called to order by the Moderator at 8:00 P.M. 123 town meeting members were checked in.

Article 16. Voted unanimously that the Town amend the Zoning Bylaw by deleting existing Section 2.0 and replacing with the following language:

**Section 2.0 Zoning Districts**

For the purpose of this Bylaw, the Town of Amherst is hereby divided into the following classes of zoning district:

**2.01 Residential Districts**

The purpose of all residential zones is to promote a suitable environment for residential life through the provision of recreational, religious and educational facilities as basic elements of a balanced neighborhood, to stabilize and protect the essential characteristics of existing residential development, and to foster development that is compatible with the other natural and built characteristics of the area.

**R-LD Low Density Residence**

The purpose of the R-LD District is to provide for residential areas that allow limited development, while providing protection for environmentally sensitive areas, agricultural resources, and other similar lands. To this end, this is the lowest density residential district.

**R-F Fraternity Residence**

The purpose of the R-F District is to provide for residential areas dedicated to the specific residential requirements of fraternities, sororities and similar residential facilities associated with educational institutions. To this end, uses other than sororities, fraternities and the like are restricted in this district.

**R-O Outlying Residence**

The purpose of the R-O District is to provide for lower density residential areas. In general, the R-O District is intended to be a transitional area between the low density R-LD District and medium density R-N District.

**R-N Neighborhood Residence**

The purpose of the R-N District is to provide for residential areas of medium densities. In general, the R-N District is appropriate for lands adjacent to higher density residential districts, near arterial or primary residential streets, or in areas transitional between the lower density districts and other districts.

**R-VC Village Center Residence**

The purpose of the R-VC District is to provide for residential neighborhoods, within and adjacent to village centers, that are of medium densities and that allow a limited mix of residential and office uses. The R-VC is, in general, intended to provide for a transition between the Business Village Center District and surrounding residential districts.

## **R-G General Residence**

The purpose of the R-G District is to provide for residential neighborhoods of medium to higher density in areas both near the Town Center and between the University and the Town Center. Such areas are convenient to the services, facilities, institutions and/or employment opportunities provided in the Town Center or by the University.

## **PURD Planned Unit Residential Development**

The purpose of the PURD District is to provide for a mixture of housing types and open space, with variations in dimensional requirements, in appropriate areas within the Town, at greater densities than would otherwise be allowed by the underlying zoning. The PURD is an overlay district. The requirements of this District are intended to encourage design of creative development, protection of the natural resources, and compatibility with surrounding areas.

## **2.02 Business Districts**

### **B-VC Village Center Business**

The purpose of the B-VC District is to provide areas within the village centers of Amherst that allow for a mix of uses, including retail, commercial, office and housing of moderate to high density.

### **B-L Limited Business**

The purpose of the B-L District is to provide areas for moderate density, office, commercial and multifamily developments. It is intended to be located in transitional areas between high density business districts and high density residential districts or in appropriate areas along arterial or primary roads.

### **B-G General Business**

The purpose of the B-G district is to provide for a mixed use area, of high density, containing a wide variety of commercial, office, residential, institutional, civic, and cultural uses. To this end, it is intended that this district be applied within the Town Center of Amherst.

### **OP Office Park**

The purpose of the OP District is to provide areas for office and limited research activities. To this end, the standards and regulations are intended to limit the types of uses and to provide for a clean, open and quiet environment that will not adversely impact adjoining residential areas.

### **COM Commercial**

The purpose of the COM District is to provide areas for a wide range of retail uses and services and commercial activities in appropriate locations along primary roads within the Town.

## **2.03 Industrial/Research Park Districts**

### **PRP Professional and Research Park**

The purpose of the PRP District is to provide an open and attractive environment for office, research and low intensity industrial activities. The standards and regulations are intended to limit development to those activities that are non-commercial in nature and that operate in a clean and quiet manner.

### **LI Light Industrial**

The purpose of the LI District is to provide areas for certain light manufacturing, warehousing, wholesaling and similar activities.

## **2.04 Educational Districts**

### **ED Educational**

ED zoning allows any use of land and buildings which may legally be carried on by, or under the auspices of, the college or university which owns or manages the property. It is intended that the Educational District only include land which is owned or managed by Amherst College, Hampshire College, or the University of Massachusetts.

## **2.05 Resource Protection Districts**

### **FPC Flood-Prone Conservancy**

The FPC District consists of those geographical areas which by virtue of their relationship to components of the natural hydrology of the Town of Amherst, have substantial importance to the protection of life and property against the hazards of floods, erosion, and pollution and in general are essential to the public health, safety, and welfare. To this end, the number and types of uses allowed are restricted.

### **WP Watershed Protection**

The WP District is an overlay district intended to provide additional protection to those lands which by virtue of their location, slope and soils, make up the watersheds of the public water supply.

### **AP - Aquifer Protection**

The AP District is an overlay district intended to provide additional protection to those lands which constitute the discharge area for the Lawrence Swamp Aquifer. The AP District does not include such land already zoned FPC.

### **ARP - Aquifer Recharge Protection**

The ARP District is an overlay district intended to provide additional protection to those lands, which by virtue of their location, slope, soils, subsurficial geology, and water tables, constitute the recharge area, plus a 300 foot buffer, for the Lawrence Swamp Aquifer.

### **WD - Wetlands District**

The WD District is an overlay district consisting of lands defined as wetlands by the provisions of the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

### **FP - Farmland Preservation**

The FP District is an overlay district, configured to include, and intended to protect those lands which, by virtue of their soils, acreage, location adjacent to and contiguous with other farm land, and lack of protection under existing underlying zoning, comprise the critical farmland of the Town of Amherst. Action taken on 11/12/92.

Article 17. Voted unanimously that the Town amend the Official Zoning Map by rezoning a portion of, or in their entirety, parcels 47, 48, 51, 52, 53, 126, 128, and 160 on Map 11B and parcel 13 on Map 11D (parcels along Clark Avenue) and parcels 14, 15, 16, 218, 260, and 266 on Map 11D (parcels along Chestnut Street) from Neighborhood Residence (R-N) to General Residence (R-G), as shown in Planning Board Exhibit "A" located in the Town Clerk's office. Action taken on 11/12/92.

Article 18. Voted YES 77, No 38 that the Town amend Section 3.3 of the Zoning Bylaw by deleting the language in brackets and adding the language both underlined and shaded, as shown in "Appendix to Articles 18 and 19" attached as part of this warrant with respect to the following Sections:  
3.313; 3.315, 3.316, 3.317; 3.318; 3.320; 3.323; 3.325; 3.326; 3.328; 3.332; 3.334; 3.336; 3.339; 3.340; 3.344; 3.350; 3.351; 3.355; 3.358; 3.362; 3.363; 3.364; 3.365; 3.366; 3.367; 3.368; 3.370; 3.371; 3.372; 3.373; 3.374; 3.375; 3.376; 3.377; 3.378; 3.38.

2) In Section 3.315, replace the phrase "entirely incidental" with the word "accessory."

3) In Section 3.384.0, change the use designation from SPR to SP in the B-G and COM Districts. Action taken on 11/12/92.

Article 19. Voted unanimously to refer this article to the Planning Board. (Zoning bylaw Amendment – Section 3.3 Use Classification and Standards)  
Action taken on 11/12/92.

Article 20. Voted unanimously that the Town amend Section 5.41 of the Zoning Bylaw by deleting the language in brackets and adding the underlined and shaded language, as follows:

5.41 Seasonal outdoor dining, [such as a] including ["]sidewalk cafes,["] courtyard or terrace dining and similar uses may be permitted in the B-G, B-L, B-VC and COM districts [under a Special Permit] as an accessory use to a [lunchroom,] restaurant, cafeteria, or similar [place] eating establishment or to a bakery, deli or other similar establishment for the production and sale of food or beverage on the premises, under a Special Permit or Site Plan Review approval, whichever is required for the principal use. In residential districts, seasonal outdoor dining may be permitted under a Special Permit as an accessory use to a farm stand restaurant. Where appropriate health, fire and building permits have been obtained, seasonal outdoor dining uses may also include the outdoor preparation and cooking of food or beverage.

[under t] The following conditions shall apply to any seasonal outdoor dining permitted under this section:

5.410 Except as may be specifically allowed under conditions attached to said Site Plan Review or Special Permit, no structure, framework, planter box, fence, wall or furnishing shall be allowed to remain in the area so used between November 1 and the April 1 following thereafter. In the B-G District, such temporary structures and furnishings shall be exempt from the provisions of Sections 6.20 and 6.23. No such exemption shall apply to fixed or permanent structures or furnishings.

5.411 Where a site for a proposed outdoor dining facility is partly or completely situated upon a sidewalk within the public way or upon other publicly-owned land, evidence of a lease and/or license allowing the use of the site by the applicant shall be provided prior to the issuance of an occupancy permit.

5.412 The [Board of Appeals] permit-granting authority shall receive from the Building Commissioner a statement that the outdoor dining use will not unduly hinder [the] safe exit [of persons from the main indoor part of] from or access to the establishment in the event of a fire or other emergency.

5.413 Except as may be specifically allowed [in the] under conditions attached to [a] said Site Plan Review or Special Permit [granted by the Board of Appeals], no wall or fence related to an outdoor dining facility shall have a height of more than four (4) feet[, no more than one wall shall contain windows, and n]. No such facility shall be equipped with free-standing heating and cooling devices or served by the HVAC system(s) of adjacent and associated buildings, except for fans.

Action taken on 11/12/92.

Article 21. Voted unanimously that the Town amend the Zoning Bylaw by: A) deleting Section 3.375, Filling of Land, and amending Article 5, Accessory Uses, by renumbering the existing Sections 5.0 through 5.9 as Sections 5.01 through 5.09, renumbering all other subsections as appropriate, and adding a new section 5.10, Filling of Land; and B) amending Sections 3.121 and 3.122, as follows:

A. Add a new Section 5.10, Filling of Land, as follows:

SECTION 5.10 FILLING OF LAND (See Sections 3.121 & 3.122)

Any filling of land accessory to the development of property, which raises the existing grade of any portion of a property 5,000 square feet or more in area by an average of two (2) feet or more, or any such filling which raises the existing grade of any portion of a property 2,000 square feet or more in area by an average of five (5) feet or more shall require a Special Permit subject to the following conditions:

5.100No slope created by the filling operation shall be finished at a grade in excess of the natural angle of repose of the materials.

5.101All filled areas which are not to be built upon within one (1) year shall, upon completion of the operation, be covered with not less than four (4) inches of loam, brought to the finish grade, seeded and mulched in a satisfactory manner.

5.102No permit for the filling of land shall be issued if such filling will:  
1) endanger public health or safety; 2) constitute a nuisance; 3) result in a detriment to the normal use of the adjacent property; 4) cause significant erosion or sedimentation due to improper drainage design or management; or 5) result in traffic hazards in residential areas or excessive congestion, or physical damage on public ways.

5.103In granting a permit for such an accessory use, the Zoning Board of Appeals may impose reasonable requirements on grading, seeding and planting, barriers needed for public safety, control of erosion and drainage and other appropriate aspects of the use.

5.104The Zoning Board of Appeals may require a suitable performance bond or other security adequate to ensure satisfactory compliance with provisions of this section.

B.Amend Sections 3.121 and 3.122 by deleting the bracketed language and adding the underlined and shaded language, as follows:

3.121Any application to the Zoning Board of Appeals for a Special Permit, or to the Planning Board for Definitive Subdivision Plan Approval, as specified in Sections 3.1225, 3.1226, 3.374[,] and [3.375] 5.10, shall include the following:

3.122 No Special Permit shall be required for the following:

3.1221Moving earth products within the limits of an individual property [or series of contiguous properties] of land in single ownership[, except that no such activity, unless otherwise permitted pursuant to this Bylaw, shall take place in contravention of Sections 3.374 or 3.375.]

3.1225Filling of land in conjunction with a development that requires a Special Permit. Any such filling of land, however, shall be approved as part of the Special Permit required for the development and shall meet the conditions of Section[s] 3.12 [and 3.375].

3.1226Filling of land in conjunction with a development that requires definitive subdivision plan approval. Any such filling of land, however, shall be approved as part of the subdivision plan and shall meet the conditions of Section[s] 3.12 [and 3.375].

Action taken on 11/12/92.

Article 22. Voted unanimously that the Town amend Article 12, Definitions, of the Zoning Bylaw by adding the following sections and renumbering the remaining sections in order:

12.01Amusement device: Any mechanical or electronic game, amusement, sport or test of skill including, but not limited to, videogame machines, pinball machines, pool or billiard tables, or similar mechanical or electronic devices.

12.03Arcade: Premises, or portions of premises, where six or more amusement devices are maintained for public or private membership use.

12.22Sign: Any fabricated or illuminated display structure, device or surface incorporating letters, numerals, figures, symbols or other graphic or design elements used for the visual attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, merchandise or event, where such sign is displayed in any manner out of doors, or displayed indoors for the purpose of being viewed from the out of doors.

Action taken on 11/12/92.

Article 23. Voted YES 78, NO 6 that the Town amend Article 8, Sign Regulations, of the Zoning Bylaw, deleting the language in brackets and adding the underlined and shaded language, as follows:

A.Amend Section 8.0, General Standards, adding a new section 8.02 and renumbering the remaining sections, as follows:

SECTION 8.0 GENERAL REGULATIONS

Any existing sign or advertising device, or any permanent interior sign or advertising device designed and intended to be viewed from the out of doors, which is hereinafter erected or maintained shall, except as expressly provided, conform to the following restrictions. Any interior sign used only temporarily and not permanently mounted shall be exempt from the provisions of this section. No sign or advertising device shall, in any district:

8.00Projecting Signs

8.000 Exceed 10 square feet in area.

8.001If affixed to, suspended from, or incorporated as part of a building, project more than [24] 36 inches from the building, except that such a sign may project up to 48 inches from the building provided it does not exceed 6 square feet in area.

8.002If supported by or suspended from a pedestal [,] or post[, or tree], project more than [24] 36 inches over or into any pedestrian [or vehicular] way customarily used by the public, except that any such sign may project up to 48 inches over any such way provided it does not exceed 6 square feet in area.

8.003Extend into a 24 inch setback from a vertical plane above the curb line of any adjacent street customarily used by the public.

8.0[2]1Project or extend more than [six] four feet above the eavesline or parapet of any building to which it is affixed.

8.0[3]2Incorporate, or be lighted by, flashing or blinking lights, or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical or electrical motion. Fixed banners or electronic billboards using changeable lights to convey the time, temperature or other public information shall be exempt from this prohibition.

[8.04Constitute a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.]

8.0[5]3If free standing, extend more than twelve feet above ground level.

8.0[6]4Be larger than 125 square feet in area.

B.Amend Section 8.2, Business and Industrial Districts, as follows:

SECTION 8.2 BUSINESS AND INDUSTRIAL DISTRICTS

In all Business and Industrial Districts, the following exterior signs[, and no others,] are permitted:

8.21Signs affixed to, suspended from, or incorporated as part of a building, provided that the total area of a sign upon a wall shall not exceed 10 percent of the area of that wall.

8.22A marquee over the principal entrance to a place of public assembly, subject to the provisions of Article III, Section 5 of the Town By-Laws.



8.23One other sign (such as a sign affixed to a post) for each 100 feet, or fraction thereof, of lot frontage on the principal street, provided that the total area of all such signs shall not exceed 100 square feet for each unit of frontage. No such sign shall be located nearer to the street line than the minimum setback required for a building on the same lot, except as may be provided for under this section. In no case shall there be more than 4 such signs in conjunction with a development or project.

For any sign located on a property in a B-VC, B-L or COM district and also in a National Historic Register District or local historic district, the minimum front setback may be the same as established for business uses in the B-G District, subject to approval of the sign location and design by the permit-granting authority. The authority shall consider the following criteria: vehicular and pedestrian safety; the setbacks of existing signs in the vicinity; historical precedent for sign locations in the vicinity; the design principles and standards in Section 3.2041, 9), and; the proposed uses of the property.

8.24Permanent signs identifying a business or facility may be allowed on cloth or fabric structures such as awnings or upon fixed banners under the permitting procedures required under this Bylaw for the use with which they are associated, and shall conform to the provisions of this section.

C.Amend Section 8.4, Non-Conforming and Temporary Signs, as follows:

#### SECTION 8.4 NON-CONFORMING AND TEMPORARY SIGNS

8.40Signs legally existing at the time this Bylaw was adopted may continue as non-conforming uses, subject to the provisions of Article 9 hereof.

This provision shall not apply to billboards, signs and other advertising devices subject to the provisions of Section 29 through 33, inclusive, of Chapter 93, and to Chapter 93D of the General Laws.

8.41A directional or identification sign may be erected and maintained in any district where the Board of Appeals, acting under Section 10.3, finds that such signs will serve the public convenience, will not endanger the public safety, and will be of such size, location and design as will not be detrimental to the neighborhood.

8.42Nothing herein shall affect provisions in existing [Bylaws] Town By-Laws relating to temporary signs permitted by the Select Board, or posted by the Town or government, nor the regulation by the Select Board under Article III, Section 5 of the Town By-Laws of signs which extend six inches or more into or over the limits of a public way.

8.43The Building Commissioner may grant a temporary sign permit for temporary exterior signs made of cloth, fabric, vinyl, paper or other similar materials, including banners, pennants and flags, for such purposes as grand openings, going-out-of-business sales and seasonal promotions. A temporary sign permit shall not exceed 3 weeks in duration.

Action taken on 11/12/92.

Article 24. Voted unanimously that the Town amend Section 5.60 of the Zoning Bylaw by deleting the language in brackets and adding the language underlined and shaded, as follows:

### 5.60 Swimming Pools

5.600Private Swimming Pools - In-ground or above-ground [A] swimming pools, 24 inches deep or greater, may be considered accessory to the use of a dwelling unit provided such pool is used only by the residents of the premises and their guests, that no portion of the water area be closer than 20 feet to the front, any side or rear lot line, and that the pool be securely fenced to a height of not less than four feet, and that if such fence has a gate, it be a self-closing gate with a latch. No fence shall be required for above-ground pools if access to the pool and any deck area surrounding the pool is exclusively by means

of ladders or stairs that are removable, retractable, or that may be secured in some other way so as to prevent access to the pool and the deck area surrounding the pool.

5.601 Public and Semi-Public Swimming Pools - Refer to Massachusetts General Laws, Chapter 140, Section 206.

Action taken 11/12/92.

The business of the warrant having been completed, the meeting voted to dissolve at 10:37 P.M.

Attest:

Cornelia D. Como  
Town Clerk